

# EXHIBIT A

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

Donna Duke-Koelfgen, §  
§  
Plaintiff, §  
§  
v. § Case No.: 5:22-cv-01010-JKP-ESC  
§  
Alamo Community College District §  
(AKA Alamo Colleges District), §  
§  
Defendant. §

**ROXELLA CAVAZOS'S DECLARATION PURSUANT TO 28 U.S.C. § 1746  
IN SUPPORT OF DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

1. My name is Roxella Cavazos. I am over the age of 21, of sound mind, and have never been convicted of a crime of moral turpitude.

2. I am the Associate General Counsel for the Alamo Community College District (AKA Alamo Colleges District) ("ACCD"), the Defendant in this case. Through my work at ACCD, I am familiar with the internal processes and structure of ACCD, this lawsuit, and the employment records and personnel file of Ms. Donna Duke-Koelfgen maintained at ACCD.

3. ACCD is comprised of five junior colleges. All employees are employees of ACCD and not of the individual colleges. According to the personnel records I have reviewed and forwarded to outside counsel, ACCD first hired Ms. Duke-Koelfgen in a temporary capacity in 1993. From fall 2008 to the present, Ms. Duke-Koelfgen has been an Associate Professor at San Antonio College, one of the five junior colleges within ACCD. ACCD has never demoted Ms. Duke-Koelfgen nor reduced her pay, benefits or responsibilities.

4. I am aware that in 2017 Ms. Duke-Koelfgen complained about asbestos at San Antonio College's Gonzales Hall and that ACCD commissioned an inspection of Gonzales Hall to investigate whether any asbestos in the building was hazardous. The report speaks for itself and attached as Exhibit A-1-A is a true and correct copy of the report. ACCD records reflect that Ms. Duke Koelfgen was not disciplined for complaining about asbestos in 2017.

5. In my capacity as in-house counsel, I am aware that on or about December 2019, Ms. Duke-Koelfgen and many others complained about an overpowering smell at Gonzales Hall. I am aware that Ms. Duke Koelfgen was interviewed by the San Antonio Express-News. Exhibit A-1-B to this Declaration is a true and correct copy of a December 2, 2019 article with Ms. Duke-Koelfgen's comments. ACCD records reflect that Ms. Duke-Koelfgen was not disciplined for complaining about the smell or speaking with the San Antonio Express-News.

6. Exhibit A-2 to this Declaration is a true and correct copy of ACCD's Full-Time Teaching Faculty Job Description. In my capacity as in-house counsel, I have access to the ACCD job descriptions.

7. Exhibit A-3 is a true and correct copy of ACCD's Faculty Code of Professional Ethics. In my capacity as in-house counsel, I have access to the ACCD Board of Trustees' policies and procedures. Exhibit A-3 is also publicly available on ACCD's website.

8. Exhibit A-4 is a true and correct copy of the Step 2-Written Reprimand that ACCD issued to Ms. Duke-Koelfgen on March 5, 2021. ACCD took no action related to Ms. Duke-Koelfgen's conduct detailed in the March 5, 2021 letter outside of the written discipline itself and the details provided therein. According to records I have reviewed, Ms. Duke-Koelfgen was not demoted in pay, benefits, or responsibilities.

9. Exhibit A-5 to this Declaration is a true and correct copy of the emails referenced in the Step 2 written discipline letter that ACCD issued to Ms. Duke-Koelfgen on March 5, 2021. I reviewed these emails and provided them to outside counsel who represents ACCD in this litigation.

10. Exhibit A-6 to this Declaration is a true and correct copy of the Step 3 written discipline letter that ACCD issued to Ms. Duke-Koelfgen on October 25, 2021, and the emails referenced within it. ACCD took no action related to Ms. Duke-Koelfgen's conduct detailed in the October 25, 2021 letter outside of the written discipline itself and the details provided therein. According to records I have reviewed, Ms. Duke Koelfgen was not demoted in pay, benefits, or responsibilities.

11. I execute this Declaration in support of ACCD's Motion for Summary Judgment. I have read the Motion. My statements in this Declaration are consistent with the statements in the Motion that are attributed to me.

12. I declare under penalty of perjury under the laws of the United States that the forgoing and my signature below are true and correct. This Declaration is made pursuant to 28 U.S.C. § 1746.

Executed on this 15<sup>th</sup> day of September, 2023.

/s/ Roxella Cavazos  
Roxella Cavazos  
Associate General Counsel  
Alamo Community College District

## EXHIBIT A-1-A



## ALEO Environmental Enterprises, Inc.

Environmental Consulting Services

November 30, 2017

Mr. Vincent Zapata  
Project Manager/Civil Structural Engineer  
Alamo College District, Room 103  
7990 Pat Booker Road  
Live Oak, TX 78233

**RE: Asbestos Survey for DSHS Abatement/Demolition Notification  
Electrical Room Relocation – Gonzales Hall (Building 2)  
San Antonio College (SAC), 1300 San Pedro Ave, San Antonio, Texas  
Alamo College District, Bexar County, San Antonio, Texas  
ALEO Project #: 2264**

Dear Mr. Zapata:

On November 9 and 20, 2017, an asbestos survey was accomplished at the referenced property by Ms. Corban Minor, Asbestos Inspector, Department of State Health Services (DSHS), License # 60-3536, and Ms. A. Denese Huntsberry, R.E.M., C.W.M.P., Individual Asbestos Consultant, DSHS License # 10-5460 of ALEO Environmental Enterprises, Inc., Asbestos Consultant Agency, DSHS License # 10-0418. The asbestos survey was conducted in accordance with the EPA *Guidance for Controlling Asbestos-Containing Materials in Buildings*, EPA 560/5-85-024, June 1985, Texas Asbestos Health Protection Rules (25 TAC 295), 2007, and the City of San Antonio City Ordinance which requires that an asbestos survey be accomplished prior to demolition, renovation, and/or alterations that include the demolition of interior building materials and/or remodeling for any commercial structure.

The specific objectives of the survey were to:

- Perform a visual inspection and physical assessment following the Texas Asbestos Health Rules as a guideline to identify, quantify, and assess accessible friable and non-friable asbestos containing building material (ACBM);
- Collect and analyze bulk samples of suspect material for asbestos content and identification by an American Industrial Hygiene Association Accredited Laboratory that is also licensed by the DSHS;
- Ensure the technical quality of all work by using DSHS licensed consultant and inspector for the inspection and oversight.
- Issue a final report that includes written descriptions and photographic documentation of findings, bulk sample locations, and confirmed asbestos containing building materials.

*EXCLUSION: The asbestos survey was limited to readily accessible construction materials relating to building materials for renovation, unless otherwise noted. No destructive sampling was accomplished. Asbestos surveys accomplished for renovation or demolition activities are generally limited to materials identified (by the owner representative) as materials that will be disturbed during renovation or demolition activities. If any suspect asbestos materials, not identified in this survey, are uncovered during any demolition or renovation activity, please contact ALEO Environmental Enterprises, Inc. (ALEO) immediately for further assessment.*

ALEO ENVIRONMENTAL ENTERPRISES, Inc.  
 ACM Inspection for DSHS Notification  
 Electrical Room Relocation – Gonzales Hall  
 SAC – November 2017  
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## INTRODUCTION

Construction materials containing asbestos have been used extensively in buildings and on the exterior of buildings. Asbestos possesses excellent properties for fireproofing and insulation materials. Asbestos may be found in: (1) cement products; (2) spray applied or trowel applied materials on ceiling, walls, and other surfaces; (3) insulation on pipes, boilers, tanks, ducts, and other equipment; (4) vinyl floor tiles; (5) roofing felts; (6) flooring coating and (7) other miscellaneous products. Asbestos containing material is any material that contains more than 1 percent asbestos fibers by weight. Friable asbestos material is any material that contain more than 1 percent asbestos by weight, which can be crumbled, pulverized, or reduced to powder, when dry, by hand pressure. Some of these asbestos-containing materials may not be friable in its present state, but could become friable if not properly managed and maintained under an asbestos management program or during asbestos abatement procedures.

The presence of asbestos in a building does not mean that there is a significant health risk to the property occupants. The asbestos material may be in the structure to protect building occupants during a fire or other unforeseen hazardous situation. As long as asbestos-containing materials remain in good condition and are not disturbed, exposure to the fibers in the materials is unlikely.

The procedures for sampling for suspect asbestos are outlined in the 40 CFR 763.88, and may be more stringent from state to state or based on contractual requirements. Multiple samples are collected on the interior of the building. Only one sample of each suspect asbestos material on the exterior of buildings is collected, unless otherwise instructed.

## BACKGROUND

The sampling scheme ALEO utilizes for selecting sampling locations in buildings is industry standard and based on EPA regulations. Bulk samples are collected of homogenous materials in functional spaces (office spaces, storage areas, mechanical rooms, and such). A homogenous material is defined as a surfacing material, thermal system insulation, or miscellaneous material that is uniform in use, color and texture. At least three samples are collected of homogeneous materials inside the building. The 3-5-7 rules stipulated by the EPA are used for interior suspect materials. Examples of homogenous materials include:

- Pipe insulation produced by the same manufacturer and installed during the same time period;
- Floor or ceiling tile of identical size, color, and/ or pattern;
- Sprayed-on acoustical ceiling materials located in contiguous areas; and
- Troweled on plaster of same texture and location.

## SAMPLING PROCEDURES.

Prior to obtaining the samples, all  friable suspect materials are sprayed with amended (surfactant added) water to minimize fiber release. Small pieces of the suspect material were sampled by cutting off a sufficient quantity of the wetted suspect material in an inconspicuous location and securing the sample in a plastic bag. Samples were extracted from the center of the wetted area. The tool used to collect these samples was then cleaned to ensure no cross-contamination occurred between samples. A plastic bag was used to contain the samples of the suspect material or the introduction of ACM contamination from outside sources.

If bulk samples were collected during this survey they were analyzed by Environmental Analytical Laboratory, LLC, (EAS) Houston, Texas. EAS is a DSHS asbestos laboratory, DSHS License # 30-0373. EAS address, telephone number, and quality assurance review are depicted on their laboratory reports.

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All submitted asbestos samples are analyzed using Polarized Light Microscopy/Dispersion Staining (PLM/DS) techniques in accordance with methodology approved by the EPA, method number 600/R-93/116. The percentage of asbestos present in the samples, is determined on the basis of a visual area estimation as set forth in 40 CFR Part 763, Appendix A, Subpart F, Section 1.2 and 1.7.2.4.

The asbestos NESHAP revisions (November 20, 1990) include a requirement to point count in order to quantify asbestos fibers in samples where the content is below 10%. Samples where no asbestos is detected do not have to be point counted using a mechanical stage and random point reticule laboratory procedure. If asbestos is detected, but is less than 10%, the owner or operator of the building may elect to (1) treat the material as asbestos or (2) require verification of the amount by point counting. It is ALEO's policy to treat all samples with any detectable levels of asbestos fibers but not more than 2 percent as asbestos-containing material and to recommend a point count.

## FINDINGS

Gonzales Hall is two-story building built on a concrete foundation. The building was constructed in 1950, but has been renovated several times since then. The electrical room relocation effort will involve removing and/or replacing electrical equipment/panels in the Basement Room 114, Room 104 - Room 102, the associated elevator and the interstitial space above Room 104 – Room 102. Old bypassed pipes from previous renovation projects may (also) be disturbed or replaced during this project. These pipes are located in the crawlspace area that can be accessed from Room 104. The pipes in the crawlspace are covered with white suspect asbestos insulation and fiber wrap or paper wrap with black mastic at the seams. All of the pipe was not assessed and the amount of piping could not be determined. Evaluation of the crawlspace indicated that new piping had been installed in recent years. Presumed asbestos insulated pipes were cut or removed. Polyethylene sheeting was draped on the ground underneath the pipes. Nine suspect asbestos samples were collected. The samples were sent to EAS Labs, Houston, Texas, DSHS Laboratory # 30-0373 for analysis using polarized light microscopy (PLM). Laboratory analysis indicated that the white insulated pipe contains 50% amosite asbestos fibers and the fiber wrap contains 60% chrysotile.

The known and presumed asbestos materials must be removed or abated by a State licensed asbestos abatement contractor prior to any disturbance of the asbestos fibers in the material and the removal/abatement must be monitored by a State licensed asbestos consultant or project management consulting agency.

We appreciate the opportunity to work with you. If you have any questions concerning this survey, please call.

Sincerely,



A. Denese Huntsberry, R.E.M., C.W.M.P.  
Individual Asbestos Consultant  
DSHS License # 10-5460



Corban Minor  
Asbestos Inspector  
DSHS License # 60-3536

Attached:      Laboratory Analysis and Chain of Custody  
                    Photographic Documentation



**13201 Northwest Freeway, Suite 520  
Houston, Texas 77040  
phone 713-343-4017 | fax 713-934-9942  
www.easlabs.com | facebook.com/easlabs | info@easlabs.com**

**Test: EPA 600/R-93/116  
Polarized Light Microscopy**

**Client Information:**

ALEO Environmental Enterprises, Inc.  
4444 Walzem Road  
Ste. 104  
San Antonio, TX 78218  
**Phone:** 210-656-1400  
**E-Mail:** dhuntsberry@aleoenv.com

**Project:**

Suspect ACM From Gonzales Hall  
Crawlspace, SAC, Alamo College  
District  
2264  
**EAS Job:** 17112205  
**Attn:** Denese  
Huntsberry

**Date Analyzed:** 11/27/2017 04:01 PM

**Date Received:** 11/22/2017 11:24 AM

**TAT Requested:** 1 Day

**Microscope:** PLM Olympus BH-2,

Sample # Lab ID #	Layer	Sample Description	Asbestos Detected (Yes/No)	Asbestos Mineral Percent	Non-Asbestos Fibers	Non-Fibrous Material
2264-CM-MAST -1 17112205.01	A	Black Tar Mastic Homogeneous	NO	None Detected	Cellulose 2%	Bitumen 98%
2264-CM-MAST -1 17112205.01	B	Brown Fibrous Paper Homogeneous	NO	None Detected	Cellulose 100%	
2264-CM-MAST -2 17112205.02	A	Black Tar Mastic Homogeneous	NO	None Detected	Cellulose 2%	Bitumen 98%
2264-CM-MAST -2 17112205.02	B	Brown Fibrous Paper Homogeneous	NO	None Detected	Cellulose 100%	

NVLAP Lab Code: 200784-0

TDSHS License No. 300373

LDEQ LELAP Certificate No: 04161, Agency Interest No. 149571

Notes:

Some samples (floor tiles, surfacing, etc.) may contain fibers too small to be detectable by PLM. TEM Chatfield analysis of bulk material is recommended in this case. All asbestos percentages are based on calibrated visual estimates traceable to NIST standards for regulated asbestos types. Analysts' percentages fall within a range of acceptable percentages, depending on the actual concentration of asbestos. This test report relates only to the items tested. This report must not be used to claim product certification, approval, or endorsement by NVLAP, NIST, or any agency of the Federal Government. This report may not be reproduced except in full without permission from Environmental Analytical Services.

These results are submitted pursuant to EAS' current terms of sale, including the company's standard warranty and limitation of liability provisions and no responsibility or liability is assumed for the manner in which the results are used or interpreted. Unless notified in writing to return the samples covered by this report, EAS will store the samples for a period of ninety (90) days before discarding. Percent ranges reported are estimates and not absolute percent range values.

Analyzed By: *Terry Brindley*  
Terry Brindley

Approved Signatory: *Terry Brindley*  
Terry Brindley



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Houston, Texas 77040  
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## Test: EPA 600/R-93/116 Polarized Light Microscopy

**Client Information:**

ALEO Environmental Enterprises, Inc.  
4444 Walzem Road  
Ste. 104  
San Antonio, TX 78218  
Phone: 210-656-1400  
E-Mail: [dhuntsberry@aleoenv.com](mailto:dhuntsberry@aleoenv.com)

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Suspect ACM From Gonzales Hall  
Crawlspace, SAC, Alama College  
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2264  
EAS Job: 17112205  
Attn: Denese  
Huntsberry

Date Analyzed: 11/27/2017 04:01 PM

Date Received: 11/22/2017 11:24 AM

TAT Requested: 1 Day

Microscope: PLM Olympus BH-2,

Sample # Lab ID #	Layer	Sample Description	Asbestos Detected (Yes/No)	Asbestos Mineral Percent	Non-Asbestos Fibers	Non-Fibrous Material
2264-CM-MAST -3 17112205.03	A	Black Tar Mastic Homogeneous	NO	None Detected	Cellulose 2%	Bitumen 98%
2264-CM-MAST -3 17112205.03	B	Brown Fibrous Paper Homogeneous	NO	None Detected	Cellulose 100%	
2264-CM-INS-4 17112205.04	A	Fibrous Insulation Homogeneous	YES	Amosite 22% Chrysotile 3%		Binders 75%
2264-CM-INS-5 17112205.05		Not Analyzed Positive Stop				
2264-CM-INS-6 17112205.06		Not Analyzed Positive Stop				

NVLAP Lab Code: 200784-0

TDSHS License No. 300373

LDEQ LELAP Certificate No: 04161, Agency Interest No. 149571

Notes:

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Approved Signatory: *Terry Brindley*  
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ALEO Environmental Enterprises, Inc.  
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Ste. 104  
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Phone: 210-656-1400  
E-Mail: [dhuntsberry@aleoenv.com](mailto:dhuntsberry@aleoenv.com)

**Project:**

Suspect ACM From Gonzales Hall  
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2264  
EAS Job: 17112205  
Attn: Denese  
Huntsberry

**TAT Requested:** 1 Day

**Microscope:** PLM Olympus BH-2,

Sample # Lab ID #	Layer	Sample Description	Asbestos Detected (Yes/No)	Asbestos Mineral Percent	Non-Asbestos Fibers	Non-Fibrous Material
2264-CM- WRAP-7 17112205.07	A	Black/Gray Fibrous Wrapping Non-Homogeneous	YES	Chrysotile 60%		Other Non-Fibrous 40%
2264-CM- WRAP-8 17112205.08		Not Analyzed Positive Stop				
2264-CM- WRAP-9 17112205.09		Not Analyzed Positive Stop				

NVLAP Lab Code: 200784-0

TDSHS License No. 300373

LDEQ LELAP Certificate No: 04161, Agency Interest No. 149571

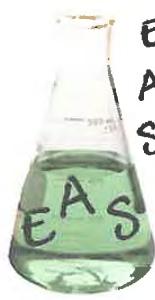
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Analyzed By: *Terry Brindley*  
Terry Brindley

Approved Signatory: *Terry Brindley*  
Terry Brindley



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Lone Star Overnight Account #123757

## CHAIN OF CUSTODY

\* Job ID: 17112205

Client Name: ALEO Environmental 4444 Walzem Rd., Ste 104 San Antonio, TX 78218	Project Name: Suspect ACM from Gonzales Hall Crawlspace, SAC, Alamo College District	 ALEO Environmental Enterprises, Inc.
Number & Type of Sample: <b>9 Bulk PLM Samples</b>	Project Number: 2264	P.O. Number:

**TURNAROUND TIME**     2 Hour     8 Hour    **X < 24 Hours**  
 2 Day     3 Day     5 Day (ROUTINE)     OTHER: \_\_\_\_\_

(NOTE: All Turnaround Times are based on the Date / Time the Sample is received by the Laboratory)

Contact Person: Denese Huntsberry      Phone: 210-289-0895      Fax: 1-866-222-2536 (toll free)

Special Instructions: **POSITIVE STOP**      Send results to [dhuntsberry@aleoenv.com](mailto:dhuntsberry@aleoenv.com)

SAMPLE NUMBER	LOCATION	SAMPLE DESCRIPTION (See attached description if needed)
2264-CM- MAST -1	CRAWLSPACE- PIPE NE ON ACCESS POINT	PAPER WITH BLACK MASTIC
2264-CM- MAST -2	CRAWLSPACE- PIPE NE ON ACCESS POINT	PAPER WITH BLACK MASTIC
2264-CM- MAST -3	CRAWLSPACE- PIPE NE ON ACCESS POINT	PAPER WITH BLACK MASTIC
2264-CM- INS -4	CRAWLSPACE- PIPE NE ON ACCESS POINT	WHITE FRIABLE INSULATION
2264-CM- INS -5	CRAWLSPACE- PIPE NE ON ACCESS POINT	WHITE FRIABLE INSULATION
2264-CM- INS -6	CRAWLSPACE- PIPE NE ON ACCESS POINT	WHITE FRIABLE INSULATION
2264-CM-WRAP-7	CRAWLSPACE- PIPE NE ON ACCESS POINT	GREY PIPE WRAP
2264-CM-WRAP-8	CRAWLSPACE- PIPE NE ON ACCESS POINT	GREY PIPE WRAP
2264-CM-WRAP-9	CRAWLSPACE- PIPE NE ON ACCESS POINT	GREY PIPE WRAP

Relinquished By: Denese Huntsberry    11/21/2017 12:00 PM  
(Signature) Date and Time

Accepted By: M. R. Scott    11/22/17 0930  
(Signature) Date and Time

**LEO ENVIRONMENTAL ENTERPRISES, INC.**  
**PHOTOGRAPHIC DOCUMENTATION**  
**Electrical Room Relocation - Gonzales Hall**  
SAC, Alamo College District  
ALEO Project #: 2264  
November 2017



Main entrance to Gonzales Hall (Bldg. 2), San Antonio College.



Basement - Room 114. Electrical disconnects to be removed. No suspect ACM.



Basement - Room 114. Electrical panel. No suspect ACM.



Basement – Room 114. Hot water system connections and elevator panels to be removed and/or replaced. No suspect ACM.

**LEO ENVIRONMENTAL ENTERPRISES, INC.**  
**PHOTOGRAPHIC DOCUMENTATION**  
**Electrical Room Relocation - Gonzales Hall**  
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Room 104. View above dropped-ceiling. Concrete sub-roof and metal framing studs. No suspect ACM.



Room 104. Foil wrapped HVAC ductwork above dropped ceiling. No suspect ACM.



Room 104. Fiberglass insulation on piping above dropped ceiling. No suspect ACM.

**ACCD000009**

**LEO ENVIRONMENTAL ENTERPRISES, INC.**  
**PHOTOGRAPHIC DOCUMENTATION**  
**Electrical Room Relocation - Gonzales Hall**  
SAC, Alamo College District  
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November 2017



CRAWLSPACE – (Access in Room 104) Bypassed plumbing with amosite and chrysotile asbestos insulation and wrap.



CRAWLSPACE – Cloth-wrapped insulation on pipes.  
Poly sheeting underneath pipes.

**LEO ENVIRONMENTAL ENTERPRISES, INC.**  
**PHOTOGRAPHIC DOCUMENTATION**  
**Electrical Room Relocation - Gonzales Hall**  
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CRAWLSPACE - Cloth-wrapped pipe insulation covered with poly sheeting and ends sealed.



CRAWLSPACE - Presumed asbestos insulation on pipe in crawlspace.



CRAWLSPACE - Pipe with asbestos insulation and wrap.

**ACCD000011**

## EXHIBIT A-1-B

## **Faculty, students express concerns about foul smell, sewage at SAC's Gonzales Hall**

SAN ANTONIO - Complaints about sewage smells, black mold and rotting animals have made the mere act of walking into one building at San Antonio College a nauseating experience for some teachers and students.

"I am not sure it's safe to be in this building" says Donna Duke-Koelfgen, who has taught English at SAC's Gonzales Hall for the past 20 years. "I think it should be condemned."

She's not alone.

Another staffer says the building has smelled "rancid" for the past several days.

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Dominique Martinez, a student, compares the odor to a "stink bomb."

Michael Reyes told us: "I have a headache right now. I think I need to go home."



San Antonio College student Michael Reyes. (SBG photo)

Paola Cantu says it's "really bad," and "I can't do my stuff right."

The source of the building's problems dates back many years, according to Duke-Koelfgen, who says it used to be a chemistry building. "It's built over a dry creek with a spring. There's like a cavern under the building. The two offices where you can enter under the building are closed off. Nobody offices there. We haven't been told what they're doing underneath the building," she says.

"It's just not a healthy building, and hasn't been for decades. They found black mold at one point and supposedly remedied it. At one point, there were people under the building in Haz-Mat suits. It's incredibly frustrating. We want to know what's wrong with the building."

She canceled class last Wednesday due to the overpowering smell.

"It's like I was going to have to teach on top of sewage," Duke-Koelfgen says.

SAC officials provided us with the statement today:

"A foul odor was reported in our Gonzalez Hall building at San Antonio College. Our Facilities department has determined the smell to be originating from a deceased animal. A local pest control company has confirmed the suspicion of a dead animal and is working to locate it. Thanks to our Facilities department for addressing this issue quickly."

When asked about other issues in the building, including leaks and closed classrooms, school spokesman Dan Melgoza told us: "I was able to confirm that we currently have no classrooms or labs closed in the Gonzales Hall. There was a leak in a computer lab on Monday, Nov. 25th. Our Housekeeping department immediately cleaned up any water and the Facilities department promptly arrived and replaced a chilled water pump."

However, a teacher showed us two labs that were still closed today.

For Duke-Koelfgen, the mere act of showing up to teach class is a daily concern. She has both asthma and non-Hodgkin's Lymphoma.

"I don't know if the building caused those things, but it can certainly be a trigger if what it's doing is wearing down the immune system of the people who work here," she says.



English professor Donna Duke-Koelfgen says Gonzales Hall at San Antonio College is an unsafe building. (SBG photo)

She doesn't believe an animal caused the stench in the building.

"It's got to be more a dead animal. That smelled like absolute raw sewage," she says. "Our administration needs to practice the transparency they preach and tell us what's going on in this building. It's our health that's at stake."

We reached out today to Dr. Robert Vela, president at SAC, but did not hear back from him.

Several people at Gonzales Hall also mentioned air conditioning concerns and flooding on multiple occasions this semester.

"We've had kids complaining about the smell and they're not in here except for their classes. The faculty are in here oftentimes a good eight hours a day," Duke-Koelgen says. "When I'm in this building for extended periods, I get horrible headaches, I'm nauseous. I can't eat. I even feel itchy and have ringing in my ears."

To help alleviate her symptoms, she teaches off-site two days a week. But she always has the same thought when she arrives for work at Gonazles Hall every Monday, Wednesday and Friday.

"I hope it doesn't smell like crap in here," she says.

## EXHIBIT A-2

## ***Full-Time Teaching Faculty Job Description***

### **DESCRIPTION OF WORK**

Full-time members of the faculty are professional educators who have the primary responsibility of fulfilling the institution's mission, vision, values, strategic plan, Board of Trustees' charges and educational philosophy, and primary goal of providing a quality education for all students attending the colleges. Faculty members are classified according to the ranks of Instructor, Assistant Professor, Associate Professor, and Professor. Faculty members are subject to Board policies, including academic freedom, and are also bound by its accompanying responsibilities. They are directly responsible to a discipline coordinator and/or department chair and have responsibilities through the administrative structure at their respective college and to the district. The relationship of the faculty member to the student is one of leader, teacher, adviser, mentor, and facilitator of learning.

Faculty job descriptions are defined for Full-Time Teaching Faculty, Adjunct Teaching Faculty, Librarian Faculty, and Counselor Faculty. Faculty Chairpersons have a separate job description.

### **FACULTY POSITION CRITERIA**

A faculty position must meet the following criteria:

1. A regular, full-time position.
2. A position wherein the primary functions performed are those of teaching assigned credit courses on a regular basis.
3. A position which requires certain minimum academic qualifications according to Alamo Colleges District's Procedure D.2.3.2.

### **DUTIES**

The cyclical nature of teaching and learning forms the basis of duties for the institution's faculty. To strive for continual improvement of student success, faculty members must plan an optimal learning environment; provide high quality instruction and advising; assess themselves, their students, and their teaching techniques in order to increase effectiveness; continue their own professional development; actively participate in MyMAP, AlamoINSTITUTES, and AlamoADVISE processes; and participate in the shared governance process to ensure policies and procedures remain focused on maintaining high standards while providing appropriate support for student needs.

*Manage classes and learning environments:*

- a. Maintain attendance records, submit grades on time, and provide constructive feedback as well as other relevant information to students throughout the semester. Create and maintain accurate syllabi that incorporate departmental, college, cross-college, and instructor requirements.
- b. Participate in the selection of appropriate materials to support academic departments' course curriculum in accordance with the Alamo Colleges District's Guidelines for Selection of Instructional Materials.

- c. Work with students and employers in occupational settings as required by or appropriate to the academic discipline.
- d. Conduct classes punctually and in accordance with the prescribed meeting schedule.

*Deliver effective instruction:*

- a. Assume primary responsibility for and exercise oversight of the curriculum in conjunction with the Board of Trustees' policies, ensuring both the rigor of programs and the quality of instruction.
- b. Consider individual differences of students in order to design and support a range of appropriate learning activities.
- c. Use technology in a manner appropriate to the nature and objectives of courses and programs and communicate clearly to students the expectations concerning the use of such technology.
- d. Use a variety of techniques to assess student learning as applicable by academic discipline and specific course.
- e. Integrate concrete, real-life situations into learning experiences to encourage critical thinking, interdisciplinary skills, and teamwork.
- f. Employ methods that develop student understanding of discipline-specific thinking, practices, and procedures, as well as interdisciplinary applications, to create academic literacy.

*Assess student learning:*

- a. Collaborate with colleagues both across colleges and within individual departments in the construction and continuous improvement of measurable learning outcomes to include the THECB core curriculum objectives and additional institutional objectives.
- b. Design assessments that measure or demonstrate student growth.
- c. Sequence learning opportunities throughout advising, courses, and programs to build student understanding and knowledge.
- d. Align assessment with learning opportunities.

*Promote continual improvement as part of the cycle of teaching and learning:*

- a. Develop and revise curriculum and instructional materials as needed.
- b. Use department-designated learning outcomes to plan, develop, and document the effectiveness of teaching activities.
- c. Complete all mandatory performance evaluation measures within specified time limits, e.g., Title IX training.
- d. Share best practices with colleagues in formal or informal settings.
- e. Participate in instructional, departmental, or institutional research to improve educational effectiveness.
- f. Support the online student survey process.
- g. Evaluate teaching and assessment practices to continue improving them.

*Support learning through student engagement:*

- a. Create a positive classroom atmosphere that encourages active and collaborative learning,

- student effort, academic challenge, student and faculty interaction, and support for learners.
- b. Be available to students during posted office hours.
  - c. Use technology to assist in communication with students.
  - d. Encourage a sense of community among students for learning both inside and outside the classroom.

*Provide student advisement:*

- a. Help students develop academic habits for college success by reinforcing the Student Success Policy and Procedures and the Student Responsibility for Success Policy.
- b. Advise students about program, career, or transfer options to help them make informed academic decisions leading to degree or certificate completion.
- c. Make students aware of and refer them to the appropriate student and academic support services available at their colleges or elsewhere in the district.

*Pursue professional development:*

- a. Stay current in academic fields, e.g., by belonging to professional societies, reading discipline-specific journals, studying pedagogy, attending conferences, or making presentations.
- b. Maintain required professional credentials, licensing, and continuing education hours as disciplinary standards dictate.
- c. Engage in professional education which enhances both disciplinary and pedagogical/andragogical knowledge, e.g., by taking graduate courses or internal classes offered through college or district professional development organizations.
- d. Contribute to one's academic discipline through research and publication or other endeavors as appropriate.

*Participate collegially in department, college, cross-college, discipline-specific, district, and community service activities:*

- a. Serve on and play an active role in department, college, cross-college, discipline-specific, and/or district committees.
- b. Participate in service through appropriate discipline-specific organizations, educational organizations, statewide boards/ committees or community activities.

- c. Assist in policy development and other governance matters within one's discipline, department, college, or at district level or across the colleges.

*And other duties as assigned.*

**SECURITY SENSITIVE**

Specific job requirements or physical location of some positions allocated to this classification may render the position security sensitive, and thereby subject to the provisions of section 51.215 Texas Education Code.

## EXHIBIT A-3

**D.4.10 (Policy) Faculty Code of Professional Ethics**

Responsible Department: Vice Chancellor for Academic Success

Board Adoption: 4-28-09

Last Board Action: 4-28-09

Reviewed: 11-3-15

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Professional Educators affirm the inherent worth and dignity of all persons and the right of all persons to learn. Learning best occurs in an environment devoted to the pursuit of truth, excellence, and liberty. These flourish where both freedom and responsibility are esteemed.

In order to express more adequately the affirmation of our professional responsibilities, we the faculty members of the colleges do adopt, and hold ourselves and each other subject to, the Code of Professional Ethics set forth in [D.4.10.1](#).

Procedure [D.4.10.1](#) Faculty Code of Professional Ethics

*Legal Reference - TACC Policy Reference Manual*

DH(EXHIBIT) - Employee Standards of Conduct

**D.4.10.1 (Procedure) Faculty Code of Professional Ethics**

Responsible Department: Vice Chancellor for Academic Success

Based on Board Policy: [D.4.10](#) - Faculty Code of Professional Ethics

Approved: 4-28-09

Last Amended: 4-28-09

Reviewed: 11-3-15

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**Faculty Code of Professional Ethics**

1. The Professional Educator shall treat all persons with respect, dignity, and justice, discriminating against no one on any arbitrary basis such as ethnicity, creed, gender, disability, or age.
2. The Professional Educator shall strive to help each student realize his or her full potential as a learner and as a human being.
3. The Professional Educator shall by example and action encourage and defend the unfettered pursuit of truth by both colleagues\* and students supporting the free exchange of ideas, observing the highest standards of academic honesty and integrity, and seeking always an attitude of scholarly objectivity and tolerance of other viewpoints.
4. The Professional Educator shall work to enhance cooperation and collegiality among students, faculty, administrators, and other personnel.
5. The Professional Educator shall recognize and preserve the confidential nature of professional relationships, neither disclosing nor encouraging the disclosure of information or rumor which might damage or embarrass or violate the privacy of any other person.
6. The Professional Educator shall maintain competence through continued professional development, shall demonstrate that competence through consistently adequate preparation and performance, and shall seek to enhance that competence by accepting and appropriating constructive criticism and evaluation.
7. The Professional Educator shall make the most judicious and effective use of the college's time and resources.
8. The Professional Educator shall fulfill the employment agreement both in spirit and in fact, shall give reasonable notice upon resignation, and shall neither accept tasks for which he or she is not qualified nor assign tasks to unqualified persons.
9. The Professional Educator shall support the goals and ideals of the college and shall act in public and private affairs in such a manner as to bring credit to the college.
10. The Professional Educator shall not engage in sexual harassment of students or colleagues and shall adhere to the college's policy on sexual conduct.
11. The Professional Educator shall observe the stated policies and procedures of the college, reserving the right to seek revision in a judicious and appropriate manner.
12. The Professional Educator shall participate in the governance of the college by accepting a fair share of committee and institutional responsibilities.

**D.4.10.1 (Procedure) Faculty Code of Professional Ethics**

Responsible Department: Vice Chancellor for Academic Success

Based on Board Policy: [D.4.10](#) - Faculty Code of Professional Ethics

Approved: 4-28-09

Last Amended: 4-28-09

Reviewed: 11-3-15

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13. The Professional Educator shall support the right of all colleagues to academic freedom and due process and defend and assist a professional colleague accused of wrongdoing, incompetence, or other serious offense so long as the colleague's innocence may reasonably be maintained.
14. The Professional educator shall not support a colleague whose persistently unethical conduct or professional incompetence has been demonstrated through due process.
15. The Professional Educator shall accept all rights and responsibilities of citizenship, always avoiding use of the privileges of his or her public position for private or partisan advantage.

*\* In this code the term "colleague" refers to all persons employed by the college in the educational enterprise.*

REFERENCE: Texas Community College Teachers Association, February 20, 1997.

*Legal Reference - TACC Policy Reference Manual*  
DH(EXHIBIT) - Employee Standards of Conduct

## EXHIBIT A-4



ALAMO COLLEGES DISTRICT  
San Antonio College

To: Ms. Donna Duke-Koelfgen

From: Dr. Jothany Blackwood, Vice President of Academic Success

Cc: Dr. Conrad D. Krueger Sr., Dean for Academic Success  
Dr. L. Lennie Irvin, Interim Chair, Department of English, Humanities,  
Education, and Journalism/Photography

Date: March 5, 2021

RE: **Written Reprimand – Step 2**

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The purpose of this letter is to issue a **Written Reprimand** for enaging in behavior inconsistent with the following Alamo Colleges standards:

**1. D.4.10.1 (Procedure) Faculty Code of Professional Ethics**

- The Professional Educator shall treat all persons with respect, dignity.
- The Professional Educator shall work to enhance cooperation and collegiality among students, faculty, administrators, and other personnel
- The Professional Educator shall observe the college's stated policies and procedures, reserving the right to seek revision in a judicious and appropriate manner.

**2. D.9.1.2 (Procedure) Progressive Discipline: Tenured Faculty**

- Uncooperative behavior (including disrespectful attitude towards a supervisor).
- Failure to follow departmental procedures or directions;
- Use of abusive or degrading language not protected by academic freedom as defined by D.3.5.

**3. H.1.2.3 (Procedure) Bully Free Workplace and Campuses**

*"Behavior demonstrating or communicating a lack of respect or disrespect may or may not be bullying, but nonetheless such behavior violates Alamo College's Code of Ethics, which clearly states that all employees will be treated with dignity and respect, and Policy A.1.3, stating the College District's shared value of "Respect for All."*

**Issue #1 - While advocating for a student, you engaged in unprofessional written communication and behavior:**

- (1) You escalated a student issue to SAC and District senior leadership without having all the facts related to your concern.
- (2) On 2/9/21, Dean Cox, representing Dr. Alcorta and Dr. Vela, provided you with the facts of the student's specific situation and recommended solutions moving forward.
- (3) On 2/10/21, you rejected Dean Cox's explanation and remedy, arguing a personal cause for the student.
- (4) On 2/12/20, you continued to unnecessarily escalate the student's issue to Mr. Ross Laughead and Dr. Vela, displaying unprofessional communication.

**Issue #2 – Resisting a directive from Dr. Blackwood and engaging in unprofessional communication:**

- (1) On 2/9/20, I gave you a directive to attend a required eLumen Reports session.
- (2) On 2/11/20, you became argumentative in your written communication, noting a refusal to comply with my directive.
- (3) You displayed unprofessional behavior in your written communication to myself, your Dean, and supervisor.

**Issue #3—Aggressive and Unprofessional Conduct**

On **March 3, 2021**, you attended the 2:00 pm Zoom session on SLO's and treated Dean Franc Solis and the IPPE team in an aggressive and unprofessional manner. Other faculty attending the session also indicated discomfort with your behavior. Excerpts from your unprofessional statements include "*I've listened to you, while I was busy grading, and you haven't said a word, all you have done is mansplaining. So now, you're going to listen to me (while pointing your finger at the Dean through the screen).* You see you don't treat the faculty with respect. You don't understand. SLOs are not as important as grades. Grades should be due on Tuesday and SLOs and Wednesday, but YOU don't think....No, now you listen to me. I listened to you, now you're going to hear what I have to say. You could have done this differently. You could have had one group with those of us who know what we did wrong, have fixed it and let us move on. Like me, I've met with my Chair and have corrected my errors. Instead, you wasted my time, because you don't respect me, because you don't think (mocking by putting your finger to your head).

When Dean Solis continued, it was observed that your interrupted multiple times and shared "*Administration is always wanting to think of students but they don't think of faculty. We are human too, and deserve consideration, therefore*

*grades should be extended to Tuesday and SLOs to Wednesday. I DON'T WANT YOUR EXCUSES, JUST MAKE IT HAPPEN" (while pointing).*

After a third interruption, Dean Krueger was asked to step in and you responded, *"I know Dean Krueger, I'm going to get some lashing but I'm going to have my say."*

I will not tolerate this type of disrespectful behavior towards myself, my staff, your colleagues, or any of the hundreds of employees or students at San Antonio College. We must resolve all issues with civil dialogue and collegiality.

Please see the Timeline of Email Correspondences at the end of this document that contain the contents displaying specific examples of the above issues.

There must be an **immediate** and **sustained** change in your behavior, and the following are expectations moving forward:

- You will maintain a positive work atmosphere by communicating (verbal and written) in a manner so that you get along with customers, clients, vendors, co-workers, students, and management.
  - The chain of command is an essential step in creating trust and respect with your immediate supervisor. While there are exceptions, you should keep your supervisor in the loop of concerns or issues at San Antonio College and the Alamo Colleges District in most situations.
  - You will treat each employee, student, and other members of the community with respect, honesty, dignity, and civility.
  - You are expected to submit your work within the deadlines established by myself and San Antonio College.
  - **You will complete the following LinkedIn Learning training by April 15, 2021**
    - LinkedIn Learning: Communicating with Diplomacy and Tact
    - LinkedIn Learning: Developing Self-Awareness
    - LinkedIn Learning: Teaching Civility in the Workplace
    - LinkedIn Learning: Interpersonal Communication
- Note: Please ensure you access this training through the Alamo Talent portal in order to avoid unnecessary charges and to ensure that this training is recorded on your transcript.
- **I also want you to write a personal letter of apology to the individuals impacted by your communication and behavior in the SLO session by Friday, March 19, 2021** while reflecting on these words from our Code of Conduct, *"We must treat each employee, student, and other members of the community with respect, honesty, and civility."* The list of the individuals who you will send a note of apology who were subjected to your disrespectful language and treatment of a colleague are provided at the end of this document. **You are also instructed to cc me and Dr. Vela in your apologies.**

The Deer Oaks Employee Assistance Program (EAP) is a resource program available to help employees through stressful situations and events. All employees have access to the resources and tools available through Deer Oaks. For assistance 24/7/365, please call **1 (866) 327-2400**. Use the login credentials below to access their website. I highly encourage you to utilize their services.

Website: [www.deeroakseap.com](http://www.deeroakseap.com)

- Username: ACCD
- Password: ACCD

In consideration of all of the information above, I am issuing you this **Step 2-Written Reprimand** according to the Alamo Colleges District Progressive Discipline Process.

I am advising you that this letter will be maintained your employee file. If there is any continuation of similar behavior or for any subsequent violation of any disciplinary rule, there may be cause for further discipline. Please sign below to acknowledge receipt of this letter.

Your signature below means only that you acknowledge receipt of this discipline document and not agree with the violations noted. If you refuse to sign, a witness will sign, acknowledging that the information was provided to you. This discipline document goes into effect immediately.

Employee refused to sign

3/5/2021

Date:

Signature

**Person(s) at the presentation of this document:**

Dr. Jothany Blackwood, Vice President for Academic Success

Dr. Jothany

Digitally signed by Dr. Jothany  
Blackwood

Signature: Blackwood

Date: 2021.03.05 16:39:29 -06'00'

Dr. Conrad Krueger, Sr., Dean for Academic Success

Conrad D. Krueger Sr.

Digitally signed by Conrad D. Krueger Sr.  
Date: 2021.03.05 16:24:02 -06'00'

Signature: \_\_\_\_\_

Dr. L. Lennie Irvin, Interim Chair, Department of English, Humanities, Education, and Journalism/Photography

Lennie Irvin

Digitally signed by LLennie Irvin  
Date: 2021.03.05 16:22:00  
-06'00'

Signature: \_\_\_\_\_

**List of Individuals to Receive Apology Letter by March 19, 2021 and cc me and Dr. Robert Vela, President of San Antonio College.**

1. Alex Cortez
2. Carlos Zuniga
3. Conrad Krueger
4. Clifford Porter
5. Clint Dierker
6. Cooper J. Smyth
7. Diana Garcez
8. Marie Valentin
9. Melissa Weathersby
10. Ed Bergen
11. Franc Solis
12. Gerard Robledo
13. Gregory Garza
14. Jolinda Ramsey
15. Judith Lampert
16. Julie Razuri
17. Kim Muschalek
18. Markene Bennett
19. Melissa Sutherland-Hunt
20. Greg Paszto
21. Christy Woodward
22. Rosalind Ong
23. Sandra Galindo
24. Suzanne Martinez
25. Tandy Schoolcraft

## Timeline of Email Correspondences from Donna Duke-Koelfgen Regarding SLO Completion Spring 2021

### 2/9 Initial Email Notification from Dr. Blackwood to all faculty with incorrect or incomplete Fall eLumen Reports with requirement to attend zoom session

Blackwood, Jothany  
Tue 2/9, 7:37 PM



Greetings Faculty & Chairs,

You are receiving this message because your course section(s) was incomplete for the Fall 2020 eLumen scoring (Monday, 12/14 deadline). This includes faculty that did not complete the eLumen scoring process and faculty that did not attempt the eLumen scoring process. **Check with your Chair for your status as I will be providing your chairs a report on the incomplete sections.**

Assessment in eLumen is mandatory for all SAC faculty – full-time, adjunct, and dual-credit. All faculty that did not complete their eLumen scoring by the Fall 2020 deadline are required to attend an SLO Completion Information Session to review the importance of assessment reporting at SAC. During this session we will review why we assess, how the information is used to support the goals of the college, and what resources are available to you.

In preparation for the session, faculty should complete their scoring for Fall 2020 as soon as possible. Faculty **should NOT** wait until the SLO Completion Information Session to begin scoring. Attending the SLO information session is **required**, even if you have completed scoring in eLumen (after the 12/14 deadline).

**SLO Completion Information Session (For Faculty Not Complete on eLumen Fall 2020 deadline)**

Date: Wednesday, March 3, 2021  
Time: 2 p.m. or 5 p.m. (Choose one to attend)  
Location: <https://alamo.zoom.us/j/93088165103>

### 2/11 5:46 and 5:51 Two email responses to Chair and Dr. Blackwood

Reply all |

Thu 2/11, 5:46 PM

Irvin, Lawrence L;

Blackwood, Jothany

You forwarded this message on 2/11/2021 7:53 PM

#### Action Items

Looks like I clicked the wrong button. Not meeting with anyone. Just say you clicked the wrong button, need to fix it. When I am done with QM training, I'll fix it. Answer this: why are we the only college doing elumen?

Duke-Koelfgen, Donna S

Reply all |

Thu 2/11, 5:51 PM

Irvin, Lawrence L;

Blackwood, Jothany

You forwarded this message on 2/11/2021 7:54 PM

As I recall, no matter which one we chose, only four SLOs came up. Extend the deadlines for final grades and elumen to avoid future errors. Unrealistic deadlines constitutes harassment. This was an elumen problem. Don't lay it at the feet of faculty. We're sick of administrators gaslighting us on money and policies. That is not leadership.

Duke-Koelfgen, Donna S

**2/11 6:18 third response to Chair and Dr. Blackwood**

Reply all |

Thu 2/11, 6:18 PM

Irvin, Lawrence L;  
Blackwood, Jothany

You forwarded this message on 2/11/2021 7:55 PM

I have an ADA Accommodation for cancer, and last semester, I spent a week in intensive care for a throat infection. I had to clean up all of my classes in Canvas from substitute teacher issues and catch up all the grading when I got out. The deadlines for final grades and elumen should be the Wednesday after finals, not the Monday. Leadership is ineffective and impotent if that change can't be instituted. The pandemic has pushed everyone to the edge. I want an apology from both of you and a simple acknowledgement that I accomplished the impossible last semester and I will address any elumen issues from last semester when I am done with Quality Matters training. Faculty do not receive enough support from administrators. Reflect on mistakes administrators make before requiring meetings left and right. Faculty are actually busy teaching. Without them, there is no college. Pull your head up from reports and start seeing faculty as human beings just as you ask us to see our students.

**Signature:**

Email: jmiller98@student.alamo.edu

## Duke-Koelfgen, Donna Transcript

REPORT CRITERIA:

Training Type All  
 Training Title  
 Start Date 3/5/2021  
 End Date 9/20/2021  
 Report Generated Miller, Joffre  
 Report Date 9/20/2021

USER	USER ID	TRAINING TITLE	TRAINING VERSION	TRAINING TYPE	TRAINING PROVIDER	TRAINING STATUS	TRAINING HOURS	CREDITS	TRANSCRIPT DATE
Duke-Koelfgen, Donna	dduke-koelfgen	Teaching Civility in the Workplace		Online Class	LinkedIn Learning	Completed	49 min	0	3/6/2021 8:16:00 PM
Duke-Koelfgen, Donna	dduke-koelfgen	Communicating with Diplomacy and Tact		Online Class	LinkedIn Learning	Completed	1 hrs 4 min	0	3/6/2021 4:38:00 PM
Duke-Koelfgen, Donna	dduke-koelfgen	Developing Self-Awareness		Online Class	LinkedIn Learning	Completed	1 hrs	0	3/6/2021 9:30:00 PM
Duke-Koelfgen, Donna	dduke-koelfgen	Interpersonal Communication		Online Class	LinkedIn Learning	Completed	37 min	0	3/7/2021 11:16:00 AM

## EXHIBIT A-5

Duke-Koelfgen, Donna S

Reply all|

**Thu 2/11, 5:46 PM**

Irvin, Lawrence L;  
Blackwood, Jothany

Looks like I clicked the wrong button. Not meeting with anyone. Just say you clicked the wrong button, need to fix it. When I am done with QM training, I'll fix it. Answer this: why are we the only college doing elumen?

Duke-Koelfgen, Donna S

Reply all|

**Thu 2/11, 5:51 PM**

Irvin, Lawrence L;  
Blackwood, Jothany

As I recall, no matter which one we chose, only four SLOs came up. Extend the deadlines for final grades and elumen to avoid future errors. Unrealistic deadlines constitutes harassment. This was an elumen problem. Don't lay it at the feet of faculty. We're sick of administrators gaslighting us on money and policies. That is not leadership.

Duke-Koelfgen, Donna S

Reply all|

**Thu 2/11, 6:18 PM**

Irvin, Lawrence L;

Blackwood, Jothany

I have an ADA Accommodation for cancer, and last semester, I spent a week in intensive care for a throat infection. I had to clean up all of my classes in Canvas from substitute teacher issues and catch up all the grading when I got out. The deadlines for final grades and elumen should be the Wednesday after finals, not the Monday. Leadership is ineffective and impotent if that change can't be instituted. The pandemic has pushed everyone to the edge. I want an apology from both of you and a simple acknowledgement that I accomplished the impossible last semester and I will address any elumen issues from last semester when I am done with Quality Matters training. Faculty do not receive enough support from administrators. Reflect on mistakes administrators make before requiring meetings left and right. Faculty are actually busy teaching. Without them, there is no college. Pull your head up from reports and start seeing faculty as human beings just as you ask us to see our students.

**From:** "Duke-Koelfgen, Donna S" <dduke-koelfgen@alamo.edu>

**Date:** February 12, 2021 at 9:27:49 PM CST

**To:** "Vela, Robert" <rvela63@alamo.edu>

**Subject:** The bigger solution

### Texas Administrative Code

TITLE 19 EDUCATION

PART 1 TEXAS HIGHER EDUCATION COORDINATING BOARD

CHAPTER 4 RULES APPLYING TO ALL PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN TEXAS

SUBCHAPTER B TRANSFER OF CREDIT, CORE CURRICULUM AND FIELD OF STUDY CURRICULA

RULE §4.28 Core Curriculum

(1) Communication = 010;

(A) Communication (6 SCH).

(i) Courses in this category focus on developing ideas and expressing them clearly, considering the effect of the message, fostering understanding, and building the skills needed to communicate persuasively.

(ii) Courses involve the command of oral, aural, written, and visual literacy skills that enable people to exchange messages appropriate to the subject, occasion, and audience.

(iii) The following four Core Objectives must be addressed in each course approved to fulfill this category requirement: Critical Thinking Skills, Communication Skills, Teamwork, and Personal Responsibility.

The Core 10 Communication category must be expanded to nine credits to include a literature course of the students choosing. This change is the only way to ensure students their legal right to educational opportunity. In the current system, that right is denied. Literature courses are stacked up in Core 40 and don't transfer to four-year colleges or universities effectively violating the learner's Civil Rights. The literature courses reflect the spectrum of stakeholders: AfricanAmerican Literature, Mexican American Literature, Women's Literature, Children's Literature, Native American Legends, Immigrant Literature, Science Fiction, LGBTQ Literature, andCreative Writing, to name just a few. African American Literature has not been taught in over a decade.

In addition to disenfranchising students, depriving them of reading materials of their community, the current Communications core deprives students of the necessary skills and knowledge to complete all college-level courses. English is the language of instruction and assessment in core college courses. The skill set gained in a sequential composition-literature sequence of nine credits is the strata, the living foundation, upon which all other knowledge and skills are gained. Without that core instruction, students are denied the right to effectively participate in their own education.

This change must be made in this legislative session for implementation this fall 2021.

Respectfully—

Donna Duke-Koelfgen

Associate Professor

I have emailed the Lieutenant Governor, the House Higher Education Committee, and the Senate Education Committee. I count on true leaders to disseminate the proposal using their own personal email unless this might be deemed a dire matter of equity.

Respectfully—

Donna Duke-Koelfgen

Now take care of Robert. Enough passing the buck around. I expect him in our Zoom class session on Monday at 9:25. Would you like to come?

San Antonio College

**From:** Duke-Koelfgen, Donna S <dduke-koelfgen@alamo.edu>  
**Sent:** Wednesday, February 10, 2021 9:25 AM  
**To:** Cox, Tiffany T <tcox29@alamo.edu>  
**Cc:** Vela, Robert <rvela63@alamo.edu>; Alcorta, Lisa <lalcorta3@alamo.edu>  
**Subject:** Re: American Literature 1 Class

Tiffany, et. al.--This doesn't provide a solution for Robert this semester; it just throws the blame on him. Again, it is a problem in the system. Unless a class is part of a degree plan, students can't take it. This deprives them of educational opportunity. The same for literature courses that are pooled into one category and then denied to students because financial aid won't pay for a course that doesn't transfer. Until a federal complaint is filed to resolve the situation, AlamoPromise monies should be applied. If Robert must claim a new degree plan to receive his benefits, he's running into the bureaucracy that burdens veteran hospitals, and I believe 4DX was part of that scandal. Have the advisors reach out to him; don't place any more burden on him for a flawed system. This very nice email does not solve the problem--not Robert's problem and not the problem for "access to literature courses for all students."

Respectfully--  
Donna Duke-Koelfgen

---

**From:** Cox, Tiffany T  
**Sent:** Tuesday, February 9, 2021 6:05:37 PM  
**To:** Duke-Koelfgen, Donna S  
**Cc:** Vela, Robert; Alcorta, Lisa  
**Subject:** Fw: American Literature 1 Class

Professor Duke-Koelfgen,

Good afternoon! Drs. Vela and Alcorta asked me to follow up with some additional information in response to your concerns about student Robert H Alzapiedi. Thank you for your advocacy for Mr. Alzapiedi and for voicing the importance of access to literature courses for all students.

Our Veterans Affairs team has been working closely with Mr. Alzapeidi to assist him in registering. He completed the AAS Music Business Program in 2018 and is continuing to take courses at SAC. In order to be eligible for military benefits, he must select a new degree plan and take courses in that plan. This rule applies to all military benefits, whether from the Veterans Administration or the State of Texas. We've discussed this with him several times over the phone and through email, and have provided the documentation he needs and the steps to select the new degree plan. We held his seat in your class as long as we could without payment (up to census date), but he did not submit the documentation needed to use his benefits, or pay for the course with other resources.

We can still assist him to re-register in the course with your approval. In order for him to use his military benefits to pay for the course, we still do need the change of degree plan documentation.

He can reach out to his certified advisor, Ms. Latrina Spann ([lspann2@alamo.edu](mailto:lspann2@alamo.edu)) or our Victory Center Director, Ms. Tammy Micallef ([tmicallef2@alamo.edu](mailto:tmicallef2@alamo.edu)) and they are happy to assist him. If you have additional questions or concerns, please feel free to reach out to me anytime. I'm at [tcox29@alamo.edu](mailto:tcox29@alamo.edu) or 210-845-7349.

Thank you, again, for your advocacy. We absolutely want to provide the best support we can to our students!

Respectfully,

Tiffany

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[Email to Ross](#)

**From:** Duke-Koelfgen, Donna S  
**Sent:** Friday, February 12, 2021 12:14 PM  
**To:** Laughead, Ross <[rlaughead@alamo.edu](mailto:rlaughead@alamo.edu)>  
**Subject:** Fw: American Literature 1 Class

Dear Esquire Laughead—Might you intervene in this situation to provide AlamoPromise monies for Robert Alzapiedi this semester? A U.S. military veteran who cannot take an American Literature course is the height of dysfunction. A system that denies him access to educational opportunities that he has every legal right to is no functioning educational system at all. I seek relief for him IMMEDIATELY, THIS SEMESTER, and a solution to the flaw in the system by fall 2021. Consult with Lumina. Perhaps they will see the error of their ways. If I must make a complaint to the Department of Education on Robert's behalf and on behalf of all future students denied their right to equal access to educational opportunity, I shall do so. The complaint will be against Lumina, ALEC (their political arm), the Texas legislature, and the THECB. I hope in this way to show that Alamo Colleges is merely the victim of poor legislation and Lumina influenced management, and that such a federal complaint should in no way affect San Antonio's bid for re-accreditation this fall.

My best to you--

Donna Duke-Koelfgen

Associate Professor

English Department

San Antonio College

## EXHIBIT A-6



ALAMO COLLEGES DISTRICT  
San Antonio College

To: Ms. Donna Duke-Koelfgen, Faculty

From: Dr. L. Lennie Irvin, Interim Chair, Department of English, Humanities, Education, and Journalism/Photography *Lennie Irvin*

Cc: Dr. Conrad D. Krueger Sr., Dean for Academic Success

Date: October 25, 2021

RE: **Step 3—Final Written Warning**

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The purpose of this letter is to issue a **Step 3—Final Written Warning** for engaging again in behavior inconsistent with Alamo Colleges standards and which has not been corrected since last addressed.

**Prior Action**

On **March 5, 2021**, you received a **Step 2 – Written Reprimand** for three issues:

- **Issue #1**—While advocating for a student, you engaged in unprofessional written communication and behavior—refer to Step 2 for details
- **Issue #2**—Resisting a directive from Dr. Jothany Blackwood and engaging in unprofessional communication—refer to Step 2 for details
- **Issue #3**—Aggressive and Unprofessional Conduct—refer to Step 2 for details

You were provided with expectations going forward and offered you free counseling services through the Deer Oaks Employee Assistance Program (EAP) as well as training and development related to your unprofessional behaviors:

- LinkedIn Learning: Communicating with Diplomacy and Tact
- LinkedIn Learning: Developing Self-Awareness
- LinkedIn Learning: Teaching Civility in the Workplace
- LinkedIn Learning: Interpersonal Communication

**Current Repeated Misconduct**

Although you the Step 2 discipline placed you on notice of the need to correct unprofessional and inappropriate behaviors, and you completed the recommended training to address you're the behaviors, you have nonetheless repeated the undesired behaviors as follows:

## **1. Failure to Follow Chain of Command and Unprofessional Communication**

**On September 18, 2021**, you sent me an email in which you copied, Dean Conrad Krueger, Dean of Academic Success, Dr. Robert Vela, San Antonio College President, and Dr. Mike Flores, Alamo Colleges District Chancellor, advocating that AlamoPromise funds be used to assist Emily Berban, a student who was dropped from your class for non-payment. By this email, you did not follow the chain of command to reach out to me as the chairperson to get the facts of the situation surrounding Ms. Berban's withdrawal. You did not comply with the expectation in the Step 2 discipline that you are to follow the chain of command in communications. Furthermore, your advocacy of using AlamoPromise funds to assist a non-AlamoPromise student demonstrates you are uninformed about AlamoPromise and the use of funds by the college district.

In the same **September 18, 2021**, email, you stated: "If we have the means to help her, but we discriminate against her because she does not have a Hispanic last name, then her civil rights are violated, specifically her right to equal access to educational opportunities." You provide no proof or basis for your very serious claim of discrimination, but instead accuse our college of being racist without understanding the situation behind Ms. Berban's withdrawal from the course or the type of financial assistance available to students that is in no way based upon race. Such accusations are inflammatory, uninformed, and disrespectful, and do not constitute professional communication.

On **September 19, 2021**, you sent a second email to escalate this student issue to SAC and District senior leadership without having all the facts related to your concern.

## **2. Aggressive and Unprofessional Communication**

**On September 18, 2021**, you stated: "I have copied all relevant individuals in this email, and I expect them to reach out to Emily and do something for her or, yes, I will lodge a complaint on her behalf." Rather than making a professional request to advocate on this student's behalf through your chair, our department staff, or other student success representatives at our campus like advisors, you stated your request as a demand made to top leadership followed by a threat of lodging a complaint if your demand was not met by the recipients. It is totally inappropriate and disrespectful to make such demands followed by threats to your superiors.

### 3. Unprofessional Communication

**On September 27, 2021**, you sent an unthoughtful and unprofessional communication to me and all faculty in the department. First, you threatened to send an email from me to the Board, which email notified the department of a faculty member's status and solicited fellow faculty to cover the classes for the faculty member. Then, you made unfounded and unprofessional accusations against senior leadership before the entire department in an email. You publicly blamed the college President for the negative health condition of this faculty member. You stated: "If this information is not forwarded to the board by our department, then I will do it myself. Vela DID NOT practice his legal obligation of duty of care to older faculty and those with underlying conditions during the scheduling phase. The result is unconscionable negligence." This statement is not only untrue but disrespectful and highly unprofessional.

#### **Current Repeated Violations**

Your inappropriate behaviors and unprofessional communications addressed in this **Step 3 Written Reprimand** violate the following Alamo Colleges standards of conduct:

1. **A.1.3 (Policy) College District Vision, Mission, Values and Goals: Respect For All.**
2. **D.4.10.1 (Procedure) Faculty Code of Professional Ethics**
  - The Professional Educator shall treat all persons with respect, dignity.
  - The Professional Educator shall work to enhance cooperation and collegiality among students, faculty, administrators, and other personnel
  - The Professional Educator shall observe the college's stated policies and procedures, reserving the right to seek revision in a judicious and appropriate manner.
3. **D.9.1.2 (Procedure) Progressive Discipline: Tenured Faculty**
  - Uncooperative behavior (including disrespectful attitude towards a supervisor).
  - Failure to follow departmental procedures or directions;
  - Use of abusive or degrading language not protected by academic freedom as defined by **D.3.5**.
4. **H.1.2.3 (Procedure) Bully Free Workplace and Campuses**

**"Behavior demonstrating or communicating a lack of respect or disrespect** may or may not be bullying, but nonetheless such behavior violates **Alamo College's Code of Ethics**, which clearly states that all employees will be treated with dignity and respect, and Policy A.1.3, stating the College District's shared value of "Respect for All."

### **Expectations Going Forward**

Your disrespectful behavior towards senior leadership, myself, your colleagues, or any of the hundreds of employees or students at San Antonio College will no longer be tolerated. The following are expectations moving forward:

- You will maintain a positive work atmosphere by communicating (verbal and written) in a manner with administrators, fellow faculty, co-workers, students, and leadership that is professional, respectful, civil, and collegial.
- You must follow the chain of command to create trust and respect with your immediate supervisor and resolve concerns as quickly as possible. While there may be exceptions, you should keep your supervisor in the loop of concerns or issues at San Antonio College and the Alamo Colleges District in most situations.
- You will treat each employee, student, and other members of the college community with respect, honesty, dignity, and civility.
- There must be an immediate and sustained change in your behavior and communications.
- You are expected to submit/complete your work within the deadlines established by San Antonio College and me.

This **Step 3 – Final Written Warning** in the Alamo Colleges District Progressive Discipline Process will be placed in your official personnel file. In the following 12 months from the date of this letter or at any time in the future, if you continue similar behavior, or commit a subsequent violation of a standard of conduct, policy or procedure, there may be cause for more severe discipline, to include termination of employment.

### **Training Required**

You are directed to complete the following training in AlamoTalent by **November 30, 2021:**

- LinkedIn Learning: Anger Management
- LinkedIn Learning: Developing Your Emotional Intelligence

### **Participation in EAP Encouraged**

You are offered and encouraged to utilize the counseling services provided by the Deer Oaks Employee Assistance Program (EAP), a free resource program to help employees. For assistance 24/7/365, please call **(866) 327-2400**. The Deer Oaks website also has helpful tools. Use the login credentials below for access:

**[www.deeroakseap.com](http://www.deeroakseap.com)**

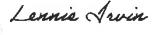
- Username: ACCD
- Password: ACCD

Please sign below to acknowledge that you received and read this **Step 3 Written Warning**.

Refused to Sign \_\_\_\_\_ Date: October, 25, 2021

Donna Duke-Koelfgen

**Person(s) at the presentation of this document:**

Printed name: Lennie Irvin Signature: 

Printed name: Joffre Miller Signature:   
Joffre Miller (Oct 25, 2021 18:43 CDT)

### Email Correspondences from Donna Duke-Koelfgen Regarding Emily Berban

#### 9/18/21 Email



Duke-Koelfgen, Donna S

Sat 9/18/2021 3:49 PM

To: Irvin, Lawrence L; Krueger, Conrad D; Vela, Robert

Cc: DST-Chancellor

Reply all

|

Lennie—The situation with my student Emily Burban is very similar to Robert in my American Literature class. If she was dropped twice for nonpayment, why weren't AlamoPromise funds offered to her? She doesn't need to be chided for bordering on three-peat by our department secretary, and you and I have done what we can to retain to her for Flex II or Spring 2022, but the solution to her problem rests higher up the command chain. If we have the means to help her, but we discriminate against her because she does not have a Hispanic last name, then her civil rights are violated, specifically her right to equal access to educational opportunities. Administrators have learned nothing from Robert's situation. I have copied all relevant individuals in this email, and I expect them to reach out to Emily and do something for her or, yes, I will lodge a complaint on her behalf. Beyond that, a policy and procedure must be established to avoid these situations because I will fight for students each and every time. Donna

#### 9/19/21 Email

Follow-up Thoughts on Emily and Robert



Duke-Koelfgen, Donna S

Sun 9/19/2021 4:58 PM

To: Irvin, Lawrence L; Krueger, Conrad D; Vela, Robert; DST-Chancellor

Reply all

|

Gentlemen (And please note no women are part of this chain of authority)—

Some follow-up thoughts on this recurring situation.

Let's assume Emily Berban falls under the rubric of a student taking 12 hours. If she is in district, with fees, she needs \$1,250.00 for the semester. Let's assume that out of the 6000 employees at Alamo Colleges, 4000 are faculty and encounter this issue with one student per year. Multiply 250 by 4000 and you get \$1,000,000 that would need to be budgeted ACROSS THE DISTRICT to handle last dollar tuition deficits for students who may be part of the 70% minority or the 30% other than Hispanic. Now AlamoPromise helps both rather than adhering to the Lumina model that is inherently discriminatory under federal regulations. Advisors should be able to refer students to Student Emergency Aid to cover tuition shortfall and the student is guaranteed coverage.

Let's assume these 4,000 students complete their studies because of this generosity. These 4,000 human beings per year now feel a human connection to their alma mater and want to give back as alumni. That is equity in action, and note that the phrase is alma mater, from the Latin for generous mother. We need to give to students as they need the same way a mother gives to each of her children. We need to shift, then, from a patriarchal authoritarian style of leadership to a more equitable model for students, staff, and faculty. The educational reforms we chase after cannot be achieved unless we move away from a corporate profit business model. Therein lies the crux and paradox of the problem.

Donna Duke-Koelfgen

## 9/27 Email Regarding Claudio San Miguel

**From:** Duke-Koelfgen, Donna S  
**Sent:** Monday, September 27, 2021 10:26 AM  
**To:** Irvin, Lawrence L; Aguilar, Liz A; Aguilar, Mariano; Argo, Sharon L; Bell, Yon Hui M; Bernal, Mary A; Coleman, Laurie L; Cruz, Barbara J; Davis, Caroline E; Elmore, Dawn L; Falcon, Susan; Focht-Hansen, Jane E; Hochmeister, Kimberly E; Lampert, Judith L; Lawhn, Juanita J; Martinez, Kathy R; Portales, Patricia; Redmond, Jeanne M; Shute, William A; Tsacalis, Ernest W; Wells, Kimberly; Martin, Amanda K; Espinoza, Leonila; Phillips, Sylvia E; Morrison, Veronica M; Sanders, Cody D  
**Subject:** Re: News on Claudio and Request Assistance in Covering Claudio's Classes

Lennie—if this information is not forwarded to the board by our department, then I will do it myself. Vela DID NOT practice his legal obligation of duty of care to older faculty and those with underlying conditions during the scheduling phase. The result is unconscionable negligence.

Donna

**From:** Irvin, Lawrence L  
**Sent:** Monday, September 27, 2021 9:03:06 AM  
**To:** Aguilar, Liz A; Aguilar, Mariano; Argo, Sharon L; Bell, Yon Hui M; Bernal, Mary A; Coleman, Laurie L; Cruz, Barbara J; Davis, Caroline E; Duke-Koelfgen, Donna S; Elmore, Dawn L; Falcon, Susan; Focht-Hansen, Jane E; Hochmeister, Kimberly E; Irvin, Lawrence L; Lampert, Judith L; Lawhn, Juanita J; Martinez, Kathy R; Portales, Patricia; Redmond, Jeanne M; Shute, William A; Tsacalis, Ernest W; Wells, Kimberly; Martin, Amanda K; Espinoza, Leonila; Phillips, Sylvia E; Morrison, Veronica M; Sanders, Cody D  
**Subject:** News on Claudio and Request Assistance in Covering Claudio's Classes

Dear Colleagues,

You perhaps have heard, but Claudio suffered another heart attack last Tuesday evening and has been in the hospital. I've have heard he is stabilized but not doing very well, and he is likely not be back for the remainder of the semester. We all wish him the best and hope for his recovery.

I was writing to see if any of you are interested and willing to cover one or two of his classes that meet on TR. They are ENGL 1302 classes that meet at 9:25 and 10:50. This most likely would become your class for the remainder of the semester, and it would count as an overload.

I know everyone is already fully loaded or even overloaded already, so if you are unable to that is ok. Our adjuncts are similarly fully loaded, so if we are unable to cover the classes with full-timer overloads, we will shift an adjunct to Full Time Temp.

Please keep Claudio in your thoughts and prayers.

Yours,

Lennie

1 of 68

